



# UNITED STATES PATENT AND TRADEMARK OFFICE

*Wm*

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,313	08/31/2001	Marc G. Brun	SP01-238	2735
7590	11/03/2003		EXAMINER	
Price, Heneveld, Cooper, DeWitt & Litton 695 Kenmoor, S.E. Post Office Box 2567 Grand Rapids, MI 49501			WOOD, KEVIN S	
			ART UNIT	PAPER NUMBER
			2874	

DATE MAILED: 11/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.

09/945,313

Applicant(s)

BRUN ET AL.

Examiner

Kevin S Wood

Art Unit

2874

**Office Action Summary***-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --***Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 24 July 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-18, 20, 22, 24 and 25 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-18 is/are allowed.
- 6) Claim(s) 20, 22, 24 and 25 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 March 2002 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.

- 4) Interview Summary (PTO-413) Paper No(s). 10.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: See Below

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office Action is responsive to the Applicant's Amendment filed 24 July 2003. Claims 1, 10, 15, 17, 20, 22, and 24 are now amended. Claims 19, 21, 23, and 26-28 are now canceled. Claims 1-18, 20, 22, 24, and 25 are now pending in the application.

### ***Response to Arguments***

2. Applicant's arguments, filed on 24 July 2003, with respect to claims 1-17 have been fully considered and are persuasive. The rejections of claims 1-17 have been withdrawn.

Applicant's arguments filed on 24 July 2003 with respect to claims 20, 22, 24, and 25 have been fully considered but they are not persuasive. The examiner has thoroughly reviewed the applicant's arguments but firmly believes the cited reference to reasonably and properly meet the claimed limitations. The applicant's primary argument with respect to claims 22 and 24 is that the examiner is inconsistent with the labeling of the fibers when rejecting claims 19, 22, 23, and 24.

Any argument with respect to claims 19 and 23 are moot, because these claims have been canceled.

The examiner agrees that the rejections of claim 22 and 24 may have been unclear and difficult to follow. However, the examiner does not agree that the claims are allowable over the prior art reference. Therefore the examiner will clarify the

rejections of claims 22 and 24 to show that Sommer et al. clearly discloses all the limitations of the claimed invention.

Referring to claim 22, Sommer et al. discloses a multiple-port add/drop package including: an optical filter (52); a first input fiber (84); a first reflected fiber optically coupled with the first input fiber (84) via a light signal ( $\lambda_1, \lambda_3$ ) reflected by the optical filter; a second input fiber (86); a second reflected fiber (90) optically coupled with the second input fiber (86) via a light signal ( $\lambda_4$ ) reflected by the optical filter; a third input fiber (94) optically coupled to the first reflected fiber (88) via a light signal ( $\lambda_2'$ ) transmitted through the filter; a first transmitted fiber (68) optically coupled to the first input fiber (84); and a second transmitted fiber (96) optically coupled to the second input fiber (86).

Referring to claim 24, Sommer et al. discloses all the limitations of the claimed invention. Sommer et al. discloses a multiple-port add/drop package including: an optical element (52); a first input fiber (84); a first reflected fiber optically coupled with the first input fiber (84) via a light signal ( $\lambda_1, \lambda_3$ ) reflected by the optical element; a second input fiber (86); a second reflected fiber (90) optically coupled with the second input fiber (86) via a light signal ( $\lambda_4$ ) reflected by the optical element; a third input fiber (94) optically coupled to the first reflected fiber (88) via a light signal ( $\lambda_2'$ ) transmitted through the optical element; a first transmitted fiber (68) optically coupled to the first input fiber (84); and a second transmitted fiber (96) optically coupled to the second input fiber (86).

The examiner believes that reference meets all the limitations of the claimed invention and that there is no longer any inconsistency with the labeling of the components within the rejections.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. <sup>24 and 25</sup>  
<sub>1</sub> Claims 22 and 20<sup>1</sup> are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,433,924 to Sommer et al.

Referring to claims 22 and 20, Sommer et al. discloses all the limitations of the claimed invention. Sommer et al. discloses a multiple-port add/drop package including: an optical filter (52); a first input fiber (84); a first reflected fiber optically coupled with the first input fiber (84) via a light signal ( $\lambda_1, \lambda_3$ ) reflected by the optical filter; a second input fiber (86); a second reflected fiber (90) optically coupled with the second input fiber (86) via a light signal ( $\lambda_4$ ) reflected by the optical filter; a third input fiber (94) optically coupled to the first reflected fiber (88) via a light signal ( $\lambda_2'$ ) transmitted through the filter; a first transmitted fiber (68) optically coupled to the first input fiber (84); and a second transmitted fiber (96) optically coupled to the second input fiber (86).

Referring to claims 24 and 25, Sommer et al. discloses all the limitations of the claimed invention. Sommer et al. discloses a multiple-port add/drop package including: an optical element (52); a first input fiber (84); a first reflected fiber optically coupled with the first input fiber (84) via a light signal ( $\lambda_1, \lambda_3$ ) reflected by the optical element; a second input fiber (86); a second reflected fiber (90) optically coupled with the second input fiber (86) via a light signal ( $\lambda_4$ ) reflected by the optical element; a third input fiber (94) optically coupled to the first reflected fiber (88) via a light signal ( $\lambda_2'$ ) transmitted through the optical element; a first transmitted fiber (68) optically coupled to the first input fiber (84); and a second transmitted fiber (96) optically coupled to the second input fiber (86).

***Allowable Subject Matter***

5. Claims 1-18 are allowed.
6. The following is a statement of reasons for the indication of allowable subject matter:

Referring to claims 1-9, the prior art does not disclose the combination of all the limitations of the claimed invention. Specifically, the prior art does not disclose an optical package including an input ferrule comprising at least one capillary, at least two pair of optical fibers extending the through the at one capillary, where the fibers are screened for a predetermined tolerance for ovality, wherein the predetermined tolerance for ovality is equal to or less than about 0.8 percent.

Referring to claims 10-17, the prior art does not disclose the combination of all the limitations of the claimed invention. Specifically, the prior art does not disclose an multiple-port optical package including an input ferrule comprising at least one capillary, at least two pair of optical fibers extending through the at one capillary, where the fibers are screened for a predetermined tolerance for core concentricity, wherein the predetermined tolerance for core concentricity is equal to or less than about 1.0  $\mu\text{m}$ .

Referring to claim 18, the prior art does not disclose the combination of all the limitations of the claimed invention. Specifically, the prior art does not disclose an add/drop optical module including first and second six-port optical packages, wherein the first reflected fiber of the first package is coupled to the first input fiber of the second package and wherein the second input fiber of the first package is coupled to the second reflected fiber of the first package.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2874

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin S Wood whose telephone number is (703) 605-5296. The examiner can normally be reached on Monday-Thursday (7am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney B Bovernick can be reached on (703) 308-4819. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 307-0956.

KSW

  
Brian Healy  
Primary Examiner